

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

Case No. 23-mj-8317-RMM

UNITED STATES OF AMERICA,

Plaintiff,

vs.

ADRIAN SANCHEZ-LOPEZ,

Defendant.

FILED BY SP D.C.

Jun 21, 2023

ANGELA E. NOBLE
CLERK U.S. DIST. CT.
S. D. OF FLA. - West Palm Beach

CRIMINAL COVER SHEET

1. Did this matter originate from a matter pending in the Miami Office of the United States Attorney's Office prior to July 20, 2008?

Yes No

2. Did this matter originate from a matter pending in the Northern Region of the United States Attorney's Office (West Palm Beach Office) only prior to December 18, 2011?

Yes No

3. Did this matter originate from a matter pending in the Fort Pierce Office of the United States Attorney's Office prior to August 8, 2014?

Yes No

Respectfully submitted,

MARKENZY LAPOINTE
UNITED STATES ATTORNEY

BY


JOHN C. McMILLAN

ASSISTANT UNITED STATES ATTORNEY
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UNITED STATES DISTRICT COURT
for the
Southern District of Florida

United States of America)
v.)
ADRIAN SANCHEZ-LOPEZ,) Case No. 23-mj-8317-RMM
)
)
)

Defendant(s)

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CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of 05/22/2023 in the county of Palm Beach in the
Southern District of Florida, the defendant(s) violated:

Code Section *Offense Description*
8 U.S.C. §§ 1326(a) and 1326(b)(1) Re-entry After Deportation (Prior Felon)

This criminal complaint is based on these facts:

See attached Affidavit

Continued on the attached sheet.

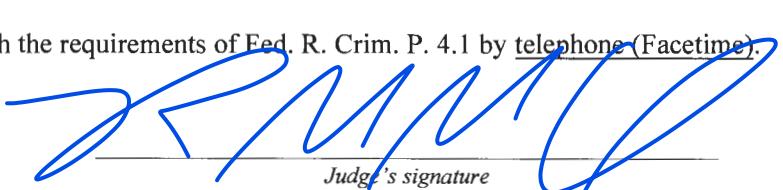

Complainant's signature

Christopher Delbaugh, Deportation Officer, HSI

Printed name and title

Subscribed and sworn to before me in accordance with the requirements of Fed. R. Crim. P. 4.1 by telephone (Facetime).

Date: 06/21/2023


Judge's signature

City and state: West Palm Beach, Florida

Hon. Ryon M. McCabe, U.S. Magistrate Judge

Printed name and title

AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT

I, Christopher Delbaugh, being duly sworn, do solemnly swear and state that:

1. I am a Deportation Officer of the United States Department of Homeland Security, Immigration and Customs Enforcement (“ICE”), and have been employed in a similar capacity since 2015. I am currently assigned to Enforcement and Removal Operations, Fugitive Operations Team, Stuart, Florida. As a Deportation Officer with ICE, my duties and responsibilities include enforcing criminal and administrative immigration laws of the United States. I have also conducted and participated in investigations of this nature. Previously, from September 2007 to September 2015, I was an Immigration Enforcement Agent with ICE. As an Immigration Enforcement Agent my duties and responsibilities also included enforcing criminal and administrative immigration laws of the United States.

2. As part of my training as a Deportation Officer, I attended the United States Immigration and Customs Enforcement Academy, at the Federal Law Enforcement Training Center, in Glynco, GA. In addition, I received specialized training regarding the investigation and enforcement of United States immigration laws. In my capacity as a Deportation Officer, I am charged with enforcing federal administrative and criminal laws under Titles 8, 18, and 19 of the United States Code. Further, as a federal law enforcement officer, I have the authority to conduct investigations, make arrests, execute search warrants, and take sworn statements.

3. This affidavit is based upon my own knowledge, as well as information provided to me by other law enforcement officers. The information set forth in this affidavit is not intended to detail all facts and circumstance of the investigation known by me or other law enforcement personnel. Rather, this affidavit serves solely to establish that there is probable cause to believe that Adrian SANCHEZ-LOPEZ (“SANCHEZ-LOPEZ”) committed the offense of being a

previously removed convicted felon alien found in the United States, in violation of Title 8, United States Code, Sections 1326(a) and 1326(b)(1) (Illegal Re-entry After Deportation).

PROBABLE CAUSE

4. On or about May 22, 2023, Deportation Officers from the Stuart, FL ICE Fugitive Operations Team were investigating and attempting to locate Juan FLORES-HERNANDZ, a criminal alien who reentered the United States after deportation. During our investigation, Deportation Officers stopped a 2012 silver Ford Expedition registered to FLORES-HERNANDEZ's spouse, Casey FLORES (FL tag: 21BUND) on Lantana Rd in Lake Worth, FL after observing a Hispanic Male in the front seat of the vehicle matching FLORES-HERNANDEZ's physical description. Upon approaching the vehicle, Deportation Officers identified two passengers in the back seat of the vehicle, one of which was identified as SANCHEZ-LOPEZ.

5. After identifying ourselves as immigration officers, SANCHEZ-LOPEZ was questioned as to his legal status in the United States, at which time he freely admitted to illegally entering the United States by walking across the Southern border. Additionally, I obtained biometric confirmation that SANCHEZ-LOPEZ was previously removed from the United States by utilizing an ICE ERO mobile fingerprint scanner at the scene of the arrest. SANCHEZ-LOPEZ was taken into custody and processed for immigration and criminal proceedings. During processing, SANCHEZ-LOPEZ provided a post-*Miranda* sworn statement to a native Spanish-speaking ICE Officer, admitting to being removed and reentering the United without permission from the United States government.

6. As part of my investigation into this case, I reviewed documents from the immigration alien file belonging to SANCHEZ-LOPEZ, AXXX XXX 022 and criminal records

checks involving FBI#*****KD5. A review of Department of Homeland Security electronic records and the immigration alien file assigned to SANCHEZ-LOPEZ showed that he is a native and citizen of Mexico.

7. Records further show that on or about September 27, 2018, SANCHEZ-LOPEZ was ordered removed from the United States. Records in the alien file show that on or about October 4, 2018, SANCHEZ-LOPEZ was removed from the United States to Mexico.

8. SANCHEZ-LOPEZ's fingerprints were entered into the Automated Biometric Identification System (IDENT) system, a biometric database maintained by the Department of Homeland Security on May 22, 2023. IDENT results confirmed that the fingerprints belonged to the individual who was previously removed from the United States, that is, Adrian SANCHEZ-LOPEZ.

9. A record check was performed in the Computer Linked Application Informational Management System (CLAIMS) to determine if SANCHEZ-LOPEZ had filed an application for permission to reapply for admission into the United States after deportation or removal. After a diligent search was performed in that database system, no record was found to exist indicating that SANCHEZ-LOPEZ obtained consent from the Attorney General of the United States or from the Secretary of Homeland Security, for re-admission into the United States as required by law.

10. SANCHEZ-LOPEZ's records from the National Crime Information Center (NCIC) and the Hardee County, Florida, Clerk of Courts indicate that he was arrested and plead guilty in Case No. 15000051CFAXMX to criminal mischief \$1,000 or more, a third-degree felony, and sentenced on or about July 14, 2015. SANCHEZ-LOPEZ to four (4) years' probation and a fine. The foregoing records further establish that SANCHEZ-LOPEZ was subsequently arrested and

convicted on August 2, 2018, for violation of his terms of probation. SANCHEZ-LOPEZ was sentenced to 150 days incarceration and an additional one (1) year of probation.

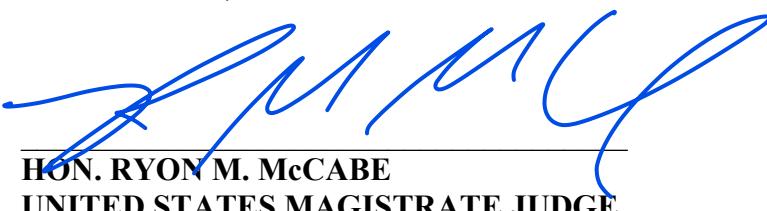
11. Based on the foregoing, your affiant avers that there exists probable cause to believe that, on or about May 22, 2023, Adrian SANCHEZ-LOPEZ, an alien who has previously been deported and removed from the United States, was found in the United States without having received the express consent from the Attorney General or the Secretary of the Department of Homeland Security for re-admission into the United States, in violation of Title 8, United States Code, Sections 1326(a) and 1326(b)(1).

FURTHER YOUR AFFIANT SAYETH NAUGHT.



CHRISTOPHER DELBAUGH
DEPORTATION OFFICER
IMMIGRATION AND CUSTOMS ENFORCEMENT

ATTESTED TO ME TELEPHONICALLY
(VIA FACETIME) BY THE APPLICANT
IN ACCORDANCE WITH THE REQUIREMENTS
OF FED. R. CRIM. P. 4.1 THIS 21st DAY
DAY OF JUNE, 2023.



HON. RYON M. McCABE
UNITED STATES MAGISTRATE JUDGE

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA**

PENALTY SHEET

Defendant's Name: Adrian SANCHEZ-LOPEZ

Case No: 23-mj-8317-RMM

Count # 1

Reentry After Deportation (Prior Felon)

Title 8, United States Code, Sections 1326(a) and 1326(b)(1)

* **Max. Term of Imprisonment:** 10 years

* **Mandatory Min. Term of Imprisonment (if applicable):** not applicable

* **Max. Supervised Release:** 3 years

* **Max. Fine:** \$250,000.00

* **Special Assessment:** \$100.00

* **Immigration consequences of removal (deportation) from the United States upon conviction**